COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Permit No.	**VA0003646**
Effective Date:	June 12, 2012
Expiration Date:	February 12, 2017

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTION DISCHARGE ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the information submitted with the permit application, and with this permit cover page, and Parts I and II of this permit, as set forth herein.

Owner:	**MeadWestvaco of Virginia, Inc.**
Facility Name:	**MeadWestvaco of Virginia, Inc. (Covington Operations)**
City/County:	Covington
Facility Location:	104 East Riverside Street, Covington, VA 24426

The owner is authorized to discharge to the following receiving stream:

Stream:	Jackson River, Dunlap Creek and Dry Run
River Basin:	James River
River Subbasin:	James River (Upper)
Section:	12
Class:	IV, Mountainous Zone Waters
Special Standards:	None

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Robert J. Weld, Regional Director
Blue Ridge Regional Office
Department of Environmental Quality

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Date

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A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – **Final** Limitations

1. During the period beginning with achievement of compliance with the final effluent limitations in accordance with the Schedule of Compliance in Part I.B, and lasting until the permit's expiration date, the permittee is authorized to discharge from **outfall 003**. Such discharges shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS	
Effluent Characteristic	Monthly Average		Minimum	Maximum		Frequency	Sample Type
Flow (MGD)	NL		NA	NL		Continuous	Recording
pH (standard units)	NA		6.0	9.0		1/Day	Grab
Biochemical Oxygen Demand, 5-day, (BOD_5) (June - October) [1 2]	NL mg/l	3175 kg/d (7000 lbs/day)	NA	NL mg/l	8390 kg/d (18,500 lbs/day)	4/Week [2]	24 HC
Biochemical Oxygen Demand, 5-day, (BOD_5) (November - May) [1 2]	NL mg/l	4195 kg/d (9240 lbs/day)	NA	NL mg/l	8390 kg/d (18,500 lbs/day)	4/Week [2]	24 HC
Total Suspended Solids (TSS) [1 2]	NL mg/l	17,000 kg/d	NA	NL mg/l	33,200 kg/d	1/Week [2]	24 HC
Chemical Oxygen Demand (COD) [1]	NA		NA	NL mg/l		1/Month	24 HC
Temperature [4]	NA		NA	43 °C (109.4 °F)		1/Hour	Recording
Color [1 2]	800 pcu		NA	NL pcu		1/Month [2]	24 HC
Whole Effluent Toxicity (WET) [5]	NA		NA	3.7 TU_c		1/3 Months	3, 24 HC
Adsorbable Organic Halides (AOX) [1 2 3]	NL mg/l	1777 kg/d	NA	NL mg/l	2713 kg/d	1/Week [2]	24 HC
Nitrogen, Total as N (monthly load) [1]	NL lbs/month		NA	NA		1/Month	Calculated
Orthophosphate, filtered (monthly load) [1]	NL lbs/month		NA	NA		1/Month	Calculated
Nitrogen, Total Load June – Oct. [1]	NA		NA	165,245 lbs		1/Year	Calculated
Orthophosphate, filtered Load June – Oct. [1]	NA		NA	9,379 lbs		1/Year	Calculated

NL = No limitation, monitoring only NA = Not applicable pcu = Platinum Cobalt Units 24 HC = 24 hour composite

1. See Part I.C.7 for quantification levels and reporting requirements.
2. See Part I.C.13 for changes in monitoring frequencies if reduced monitoring frequency status is lost.
3. Adsorbable Organic Halides (AOX) analysis shall be performed using Method 1650 as defined at 40 CFR 430 Appendix A or other EPA approved method.
4. Temperature limitation is an hourly average maximum.
5. See Part I.D for Toxicity Monitoring Program requirements for this outfall.

a. See Part I.C.14 for requirements on use of the outfall 003 effluent oxygenation system.

b. There shall be no discharge of floating solids or visible foam in other than trace amounts.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – **Interim** Limitations

2. During the period beginning with the permit's effective date and lasting until achieving compliance with the final effluent limitations in accordance with the Schedule of Compliance in Part I.B, the permittee is authorized to discharge from **outfall 003**. Such discharges shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS						MONITORING REQUIREMENTS	
Effluent Characteristic	Monthly Average		Minimum	Maximum			Frequency	Sample Type
Flow (MGD)	NL		NA	NL			Continuous	Recording
pH (standard units)	NA		6.0	9.0			1/Day	Grab
Biochemical Oxygen Demand, 5-day, (BOD_5) (June - October) [1 2]	NL mg/l	3175 kg/d (7000 lbs/day)	NA	NL mg/l	8390 kg/d (18,500 lbs/day)		4/Week [2]	24 HC
Biochemical Oxygen Demand, 5-day, (BOD_5) (November - May) [1 2]	NL mg/l	4195 kg/d (9240 lbs/day)	NA	NL mg/l	8390 kg/d (18,500 lbs/day)		4/Week [2]	24 HC
Total Suspended Solids (TSS) [1 2]	NL mg/l	17,000 kg/d	NA	NL mg/l	33,200 kg/d		1/Week [2]	24 HC
Chemical Oxygen Demand (COD) [1]	NA		NA	NL mg/l			1/Month	24 HC
Temperature [4]	NA		NA	43 °C (109.4 °F)			1/Hour	Recording
Color [1 2]	800 pcu		NA	NL pcu			1/Month [2]	24 HC
Adsorbable Organic Halides (AOX) [1 2 3]	NL mg/l	1777 kg/d	NA	NL mg/l	2713 kg/d		1/Week [2]	24 HC
Nitrogen, Total as N (monthly load) [1]	NL lbs/month		NA	NA			1/Month	Calculated
Orthophosphate, filtered (monthly load) [1]	NL lbs/month		NA	NA			1/Month	Calculated
Nitrogen, Total Load June – Oct. [1]	NA		NA	165,245 lbs			1/Year	Calculated
Orthophosphate, filtered Load June – Oct. [1]	NA		NA	9,379 lbs			1/Year	Calculated

NL = No limitation, monitoring only NA = Not applicable pcu = Platinum Cobalt Units 24 HC = 24 hour composite

1. See Part I.C.7 for quantification levels and reporting requirements.
2. See Part I.C.13 for changes in monitoring frequencies if reduced monitoring frequency status is lost.
3. Adsorbable Organic Halides (AOX) analysis shall be performed using Method 1650 as defined at 40 CFR 430 Appendix A or other EPA approved method.
4. Temperature limitation is an hourly average maximum.

a. See Part I.C.14 for requirements on use of the outfall 003 effluent oxygenation system.

b. There shall be no discharge of floating solids or visible foam in other than trace amounts.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

3. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall **301** (internal outfall on A Unit bleach line). Such discharges shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
Effluent Characteristics	Monthly Average	Maximum	Frequency	Sample Type
Chloroform [1 2 3]	NL mg/l 3285 g/d	NL mg/l 5492 g/d	1/month [2]	24 HC
Pentachlorophenol [1 3]	NL µg/l	5.0 µg/l	1/month	24 HC
2,3,7,8 - Tetrachlorodibenzo P Dioxin [1]	NL pg/l	10 pg/l	1/month	24 HC
2,3,7,8 - Tetrachlorodibenzo P Furan [1]	NL pg/l	31.9 pg/l	1/month	24 HC
2,4,5 - Trichlorophenol [1 3]	NL µg/l	2.5 µg/l	1/month	24 HC
2,4,6 - Trichlorophenol [1 3]	NL µg/l	2.5 µg/l	1/month	24 HC
Tetrachlorocatechol [1 3]	NL µg/l	5.0 µg/l	1/month	24 HC
Tetrachloroguaiacol [1 3]	NL µg/l	5.0 µg/l	1/month	24 HC
Trichlorosyringol [1 3]	NL µg/l	2.5 µg/l	1/month	24 HC
4,5,6 - Trichloroguaiacol [1 3]	NL µg/l	2.5 µg/l	1/month	24 HC
3,4,6 - Trichlorocatechol [1 3]	NL µg/l	5.0 µg/l	1/month	24 HC
3,4,5 - Trichlorocatechol [1 3]	NL µg/l	5.0 µg/l	1/month	24 HC
3,4,5 - Trichloroguaiacol [1 3]	NL µg/l	2.5 µg/l	1/month	24 HC
2,3,4,6 - Tetrachlorophenol [13]	NL µg/l	2.5 µg/l	1/month	24 HC
3,4,6 - Trichloroguaiacol [1 3]	NL µg/l	2.5 µg/l	1/month	24 HC

NL = No limitation, monitoring only NA = Not applicable

1. See Part I.C.7. for quantification levels and reporting requirements.
2. See Part I.C.13. for changes in monitoring frequencies if reduced monitoring frequency status is lost.
3. Analysis shall be performed using Method 1653 as defined at 40 CFR 430 Appendix A or other EPA approved method.

a. See Part I.E. for bleach plant effluent sampling methodology.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

4. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall **302** (internal outfall on B Unit bleach line). Such discharges shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
Effluent Characteristics	Monthly Average	Maximum	Frequency	Sample Type
Chloroform [1 2 3]	NL mg/l 3567 g/d	NL mg/l 5962 g/d	1/month [2]	24 HC
Pentachlorophenol [1 3]	NL µg/l	5.0 µg/l	1/month	24 HC
2,3,7,8 - Tetrachlorodibenzo P Dioxin [1]	NL pg/l	10 pg/l	1/month	24 HC
2,3,7,8 - Tetrachlorodibenzo P Furan [1]	NL pg/l	31.9 pg/l	1/month	24 HC
2,4,5 - Trichlorophenol [1 3]	NL µg/l	2.5 µg/l	1/month	24 HC
2,4,6 - Trichlorophenol [1 3]	NL µg/l	2.5 µg/l	1/month	24 HC
Tetrachlorocatechol [1 3]	NL µg/l	5.0 µg/l	1/month	24 HC
Tetrachloroguaiacol [1 3]	NL µg/l	5.0 µg/l	1/month	24 HC
Trichlorosyringol [1 3]	NL µg/l	2.5 µg/l	1/month	24 HC
4,5,6 - Trichloroguaiacol [1 3]	NL µg/l	2.5 µg/l	1/month	24 HC
3,4,6 - Trichlorocatechol [1 3]	NL µg/l	5.0 µg/l	1/month	24 HC
3,4,5 - Trichlorocatechol [1 3]	NL µg/l	5.0 µg/l	1/month	24 HC
3,4,5 - Trichloroguaiacol [1 3]	NL µg/l	2.5 µg/l	1/month	24 HC
2,3,4,6 - Tetrachlorophenol [1 3]	NL µg/l	2.5 µg/l	1/month	24 HC
3,4,6 - Trichloroguaiacol [1 3]	NL µg/l	2.5 µg/l	1/month	24 HC

NL = No limitation, monitoring only NA = Not applicable

1. See Part I.C.7. for quantification levels and reporting requirements.
2. See Part I.C.13. for changes in monitoring frequencies if reduced monitoring frequency status is lost.
3. Analysis shall be performed using Method 1653 as defined at 40 CFR 430 Appendix A or other EPA approved method.

a. See Part I.E. for bleach plant effluent sampling methodology.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

5. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall **303** (internal outfall on C Unit bleach line). Such discharges shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
Effluent Characteristics	Monthly Average	Maximum	Frequency	Sample Type
Chloroform [1 2 3]	NL mg/l 4956 g/d	NL mg/l 8285 g/d	1/month [2]	24 HC
Pentachlorophenol [1 3]	NL µg/l	5.0 µg/l	1/month	24 HC
2,3,7,8 - Tetrachlorodibenzo P Dioxin [1]	NL pg/l	10 pg/l	1/month	24 HC
2,3,7,8 - Tetrachlorodibenzo P Furan [1]	NL pg/l	31.9 pg/l	1/month	24 HC
2,4,5 - Trichlorophenol [1 3]	NL µg/l	2.5 µg/l	1/month	24 HC
2,4,6 - Trichlorophenol [1 3]	NL µg/l	2.5 µg/l	1/month	24 HC
Tetrachlorocatechol [1 3]	NL µg/l	5.0 µg/l	1/month	24 HC
Tetrachloroguaiacol [1 3]	NL µg/l	5.0 µg/l	1/month	24 HC
Trichlorosyringol [1 3]	NL µg/l	2.5 µg/l	1/month	24 HC
4,5,6 - Trichloroguaiacol [1 3]	NL µg/l	2.5 µg/l	1/month	24 HC
3,4,6 - Trichlorocatechol [1 3]	NL µg/l	5.0 µg/l	1/month	24 HC
3,4,5 - Trichlorocatechol [1 3]	NL µg/l	5.0 µg/l	1/month	24 HC
3,4,5 - Trichloroguaiacol [1 3]	NL µg/l	2.5 µg/l	1/month	24 HC
2,3,4,6 - Tetrachloropheno[1 3]	NL µg/l	2.5 µg/l	1/month	24 HC
3,4,6 - Trichloroguaiacol [1 3]	NL µg/l	2.5 µg/l	1/month	24 HC

NL = No limitation, monitoring only NA = Not applicable

1. See Part I.C.7. for quantification levels and reporting requirements.
2. See Part I.C.13. for changes in monitoring frequencies if reduced monitoring frequency status is lost.
3. Analysis shall be performed using Method 1653 as defined at 40 CFR 430 Appendix A or other EPA approved method.

a. See Part I.E. for bleach plant effluent sampling methodology.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

6. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfalls **903, 004, 005, 006, 007, 008, 009, 010, 012, 013 & 015** (storm water discharges). Such discharges shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
Effluent Characteristic	Minimum	Maximum	Frequency	Sample Type
Flow, storm event (MG)	NA	NL	1/6 months	Estimated
Biochemical Oxygen Demand 5-day (BOD_5) (mg/L) [1]	NA	NL	1/6 months	Grab
Total Suspended Solids (TSS) (mg/L) [1]	NA	NL	1/6 months	Grab
Nitrogen, Total (mg/L) [1]	NA	NL	1/6 months	Grab
Phosphorus, Total (mg/L) [1]	NA	NL	1/6 months	Grab
Iron, Total Recoverable (mg/L) [1]	NA	NL	1/6 months	Grab
Aluminum, Total Recoverable (mg/L) [1]	NA	NL	1/6 months	Grab

NL = No Limitation, monitoring required NA = Not Applicable
1/6 months = once per six calendar month period (January – June and July - December)
Estimate = estimate of the total volume of the discharge during the storm event
Grab = the grab sample shall be taken within the first three hours of the discharge

1. See Part I.C.7 for quantification levels and reporting requirements.

a. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.
b. See Part I.G. for additional stormwater monitoring requirements for these outfalls.
c. There shall be no discharge of floating solids or visible foam in other than trace amounts.

B. COMPLIANCE SCHEDULE

1. The final effluent limitation for Whole Effluent Toxicity of **3.7 TU_c** will take effect no later than **4 years** after the effective date of the permit.
2. Semi-Annual compliance reports shall be submitted to the DEQ Blue Ridge Regional Office – Roanoke by the 10th of the month following the end of a 6-month reporting period addressing the progress made toward compliance with the limit.

C. OTHER REQUIREMENTS OR SPECIAL CONDITIONS

1. **Notification Levels**

   The permittee shall notify the Department as soon as they know or have reason to believe:

   a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:
      (1) One hundred micrograms per liter (100 µg/L);
      (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2, 4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
      (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
      (4) The level established by the Board.
   b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:
      (1) Five hundred micrograms per liter (500 µg/L);
      (2) One milligram per liter (1 mg/L) for antimony;
      (3) Ten times the maximum concentration value reported for that pollutant in the Permit application; or
      (4) The level established by the Board.

2. **Operation and Maintenance Manual Requirement**

   The permittee shall review the existing Operations and Maintenance (O & M) Manual and notify the DEQ Regional Office in writing **within 180 days of the effective date of this permit** whether it is still accurate and complete. If the O & M Manual is no longer accurate and complete, a revised O & M Manual shall be submitted for approval to the DEQ Regional Office **within 90 days of the effective date of this permit**. The permittee will maintain an accurate, approved operation and maintenance manual for the treatment works. This manual shall detail the practices and procedures which will be followed to ensure compliance with the requirements of the permit. The permittee shall operate the treatment works in accordance with the approved O&M Manual. This manual shall include, but not necessarily be limited to, the following items, as appropriate:

   a. Techniques to be employed in the collection, preservation, and analysis of effluent samples;
   b. Procedures for measuring and recording the duration and volume of treated wastewater discharged;
   c. Discussion of Best Management Practices, if applicable;
   d. Procedures for handling, storing, and disposing of all wastes, fluids, and pollutants characterized in Part I. C.4 that will prevent these materials from reaching state waters;
   e. Treatment works design, treatment works operation, routine preventative maintenance of units within the treatment system, critical spare parts inventory and record keeping; and,

C. OTHER REQUIREMENTS OR SPECIAL CONDITIONS (continued)

f. A plan for the management and/or disposal of waste solids and residues.

Any changes in the practices and procedures followed by the permittee shall be documented and submitted for DEQ Regional staff approval within **90 days of the effective date of the changes**. Upon approval of the submitted manual changes, the revised manual becomes an enforceable part of the permit. Noncompliance with the O & M Manual shall be deemed a violation of the permit.

3. **Licensed Operator Requirement -** The permittee shall employ or contract at least one **Class I** licensed wastewater works operator for the facility. The license shall be issued in accordance with Title 54.1 of the Code of Virginia and the regulations of the Board for Waterworks and Wastewater Works Operators. The permittee shall notify the Department in writing whenever he is not complying, or has grounds for anticipating he will not comply with this requirement. The notification shall include a statement of reasons and a prompt schedule for achieving compliance.

4. **Materials Handling/Storage** Any and all product, materials, industrial wastes, and/or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, and/or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of, and/or stored in such a manner and consistent with Best Management Practices, so as not to permit a discharge of such product, materials, industrial wastes, and/or other wastes to State waters, except as expressly authorized..

5. **Water Quality Criteria Reopener** - Should effluent monitoring indicate the need for any water quality-based limitations, this permit may be modified or alternatively revoked and reissued to incorporate appropriate limitations.

6. **Water Quality Criteria Monitoring** - The permittee shall monitor the effluent at **outfall 003** for the substances noted in *Attachment A, "Water Quality Criteria Monitoring"* according to the indicated analysis number, quantification level, sample type and frequency. Monitoring shall be conducted **twice in 2014, at least 90 days apart.** Using ***Attachment A*** as the reporting form, the **data shall be submitted with the next application for reissuance which is due at least 180 days prior to the expiration date** of this permit. Monitoring and analysis shall be conducted in accordance with 40 CFR Part 136 or alternative EPA approved methods. It is the responsibility of the permittee to ensure that proper QA/QC protocols are followed during the sample gathering and analytical procedures. The DEQ will use these data for making specific permit decisions in the future. This permit may be modified or, alternatively, revoked and reissued to incorporate limits for any of the substances listed in *Attachment A.*

7. **Compliance Reporting**

a. The quantification levels (QL) shall be less than or equal to the following concentrations:

Effluent Parameter	Quantification Level
BOD_5	5.0 mg/l
Total Suspended Solids	1.0 mg/L
COD	10 mg/l
Color	1.0 pcu
2,3,7,8 - Tetrachlorodibenzo P Dioxin	10 pg/l
2,3,7,8 - Tetrachlorodibenzo P Furan	10 pg/l
Adsorbable Organic Halides (AOX)	20 µg/l
Nitrogen, Total	0.01 mg/L
Orthophosphate, filtered	0.01 mg/L

C. OTHER REQUIREMENTS OR SPECIAL CONDITIONS (continued)

Chloroform	10 µg/l
Pentachlorophenol	5.0 µg/l
2,4,5 - Trichlorophenol	2.5 µg/l
2,4,6 - Trichlorophenol	2.5 µg/l
Tetrachlorocatechol	5.0 µg/l
Tetrachloroguaiacol	5.0 µg/l
Trichlorosyringol	2.5 µg/l
4,5,6 - Trichloroguaiacol	2.5 µg/l
3,4,6 - Trichlorocatechol	5.0 µg/l
3,4,5 - Trichlorocatechol	5.0 µg/l
3,4,5 - Trichloroguaiacol	2.5 µg/l
2,3,4,6 - Tetrachlorophenol	2.5 µg/l
3,4,6 - Trichloroguaiacol	2.5 µg/l
Iron, Total	0.5 mg/L
Aluminum, Total	0.5 mg/L

The QL is defined as the lowest concentration used to calibrate a measurement system in accordance with the procedures published for the method. It is the responsibility of the permittee to ensure that proper quality assurance/quality control (QA/QC) protocols are followed during the sampling and analytical procedures. QA/QC information shall be documented to confirm that appropriate analytical procedures have been used and the required QLs have been attained. The permittee shall use any method in accordance with Part II A of this permit.

b. **Monthly Average** - Compliance with the monthly average limitations and/or reporting requirements for the parameters listed in subsection a. of this permit condition shall be determined as follows: All concentration data below the QL used for the analysis (QL must be less than or equal to the QL listed in a. above shall be treated as zero. All concentration data equal to or above the QL used for the analysis (QL must be less than or equal to the QL listed in a. above) shall be treated as it is reported. An arithmetic average shall be calculated using all reported data for the month, including the defined zeros. This arithmetic average shall be reported on the Discharge Monitoring Report (DMR) as calculated. If all data are below the QL used for the analysis (QL must be less than or equal to the QL listed in a. above), then the average shall be reported as "<QL". If reporting for quantity is required on the DMR and the reported monthly average concentration is <QL, then report "<QL" for the quantity. Otherwise use the reported concentration data (including the defined zeros) and flow data for each sample day to determine the daily quantity and report the monthly average of the calculated daily quantities.

Daily Maximum - Compliance with the daily maximum limitations and/or reporting requirements for the parameters listed in subsection a. of this permit condition shall be determined as follows: All concentration data below the QL used for the analysis (QL must be less than or equal to the QL listed in a. above) shall be treated as zero. All concentration data equal to or above the QL used for the analysis (QL must be less than or equal to the QL listed in a. above) shall be treated as reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, collected within each day during the reporting month. The maximum value of these daily averages thus determined shall be reported on the DMR as the Daily Maximum. If all data are below the QL used for the analysis (QL must be less than or equal to the QL listed in a. above), then the maximum value of the daily averages shall be reported as "<QL". If reporting for quantity is required on the DMR and the reported daily maximum is <QL, then report "<QL" for the quantity. Otherwise use the reported daily average

C. OTHER REQUIREMENTS OR SPECIAL CONDITIONS (continued)

concentrations (including the defined zeros) and corresponding daily flows to determine daily average quantities and report the maximum of the daily average quantities during the reporting month.

Single Datum - Any single datum required shall be reported as "<QL" if it is less than the QL used in the analysis (QL must be less than or equal to the QL listed in a. above). Otherwise the numerical value shall be reported.

c. **Significant Digits -** The permittee shall report at least the same number of significant digits as the permit limit for a given parameter. Regardless of the rounding convention used by the permittee (i.e., 5 always rounding up or to the nearest even number), the permittee shall use the convention consistently, and shall ensure that consulting laboratories employed by the permittee use the same convention.

d. Nutrient Reporting Calculations:

Monthly load calculation - The total monthly load shall be calculated in accordance with the following formula and reported via parameter codes 791 (TN) and 909 (PO_4-P).

$ML = ML_{avg} * d$

where:

ML = total monthly load (lb/mo)

ML_{avg} = monthly average load as reported on DMR (lb/d)

d = number of discharge days in the calendar month

$$ML_{avg} = \frac{S\ DL}{s}$$

where:

DL = daily load, = daily concentration (expressed as mg/L to the nearest 0.01 mg/L) multiplied by the flow volume of effluent discharged during the 24-hour period (expressed as MGD to the nearest 0.01 MGD), multiplied by 8.3438 and rounded to the nearest whole number to convert to pounds per day (lbs/day).

s = number of days in the calendar month in which a sample was collected and analyzed.

All daily concentration data below the quantification level (QL) for the analytical method used should be treated as half the QL. All daily concentration data equal to or above the QL for the analytical method used shall be treated as it is reported.

Growing season (GS) load calculation - The TN and PO_4-P load (pounds) for each growing season of June – October shall be shown on the October DMR due November 10th. These values shall be calculated in accordance with the following formulae:

GS load (lb) = S $\mathbf{ML_{(Jun - Oct)}}$

For Orthophosphate, filtered (PO_4-P), all daily concentration data below the quantification level (QL) for the analytical method used should be treated as half the QL. All daily concentration data equal to or above the QL for the analytical method used shall be treated as it is reported.

For Total Nitrogen (TN), if none of the daily concentration data for the respective species (i.e., TKN, Nitrates/Nitrites) are equal to or above the QL for the respective analytical methods used, the daily TN concentration value reported shall equal one half of the largest QL used for the respective species. If one of the data is equal to or above the QL, the daily TN concentration value shall be treated as that data point is reported. If more than one of the data is above the QL, the daily TN concentration value shall equal the sum of the data points as reported.

C. OTHER REQUIREMENTS OR SPECIAL CONDITIONS (continued)

8. **Total Maximum Daily Load (TMDL) Reopener** - This permit shall be modified or alternatively revoked and reissued if any approved wasteload allocation procedure, pursuant to Section 303(d) of the Clean Water Act, imposes wasteload allocations, limits or conditions on the facility that are not consistent with the permit requirements.

9. **Chesapeake Bay Nutrients Reopener** - This permit may be modified or, alternatively, revoked and reissued to include new or alternative nutrient limitations and/or monitoring requirements should the State Water Control Board adopt new nutrient standards for the waterbody receiving the discharge, including the Chesapeake Bay, or its tributaries, or if a future water quality regulation or statute requires new or alternative nutrient control.

10. **316(a) Variance** - This facility has been granted a continuation of a 316(a) variance. The variance is from the Water Quality Standards provision that the Rise Above Natural Temperature not exceed 3ºC as defined in 9 VAC 25-260-60. The variance is based on a 316(a) study of the thermal impact on the receiving stream.

11. **Prohibition of the Use of Trichlorophenol or Pentachlorophenol as Biocides** - The use of pentachlorophenol or any isomer of trichlorophenol as a biocide is prohibited at all times.

12. **Permit Limitations and Production Rates** - The effluent limitations of outfall 003 in this permit shall not be raised as a result of increases in production rates except for Adsorbable Organic Halides (AOX).

13. **Effluent Monitoring Frequencies** - If the facility permitted herein is issued a Notice of Violation for a parameter listed below, then the effluent monitoring frequency for that parameter listed below shall become effective upon written notice from DEQ and remain in effect until permit expiration.

    Outfall 003: BOD_5: 1/day TSS: 1/day AOX: 1/day Color: 1/week
    Outfall 301: Chloroform: 1/week
    Outfall 302: Chloroform: 1/week
    Outfall 303: Chloroform: 1/week.
    No other effluent limitations or monitoring requirements are affected by this special condition.

14 **Jackson River Dissolved Oxygen Levels**

   a. Effluent Oxygenation System Operation

      1. Between June 1 and November 30 dissolved oxygen (DO) levels in the Jackson River shall be monitored at least once a week at the Route 154 bridge (Fudges Bridge, also known as monitoring point #7) between 6 and 9 a.m.
      2. If the measured DO level at Fudges Bridge is less than 4.5 mg/l the effluent oxygenation system shall be operated to provide enough oxygen to maintain the DO level above the water quality standard of 4.0 mg/l. Daily monitoring shall be conducted for three consecutive days between 6 and 9 a.m. at Fudges Bridge to confirm maintenance of the standard. Weekly DO monitoring shall be resumed upon confirmation of maintaining the standard.
      3. If the effluent oxygenation system fails during required operation conditions described in Part I.B.14.a.2, then daily River DO monitoring between 6 and 9 a.m. shall be conducted at Fudges Bridge. Such an event shall be reported to DEQ within 24 hours and a written summary shall be submitted with the next monthly DMR.
      4. If DO values at Fudges Bridge exceed 6.0 mg/l between 6 and 9 a.m. while operating the effluent oxygenation system then MeadWestvaco may discontinue operation of the effluent oxygenation system.

C. OTHER REQUIREMENTS OR SPECIAL CONDITIONS (continued)

5. If a catastrophic equipment failure or spill occurs that threatens the River DO standard, then the effluent oxygenation system may be operated independent of the DO at Fudges Bridge. Operation may be discontinued once the threat to the River DO standard has passed as demonstrated by monitoring commensurate with the nature of the emergency.
6. The effluent oxygenation system may be operated at other times, when a trend in River DO and experience in monitoring indicate the use of the system is warranted as a precautionary measure to avoid a violation of the water quality standard for DO. Operation may be discontinued once the threat to the River DO standard has passed as demonstrated by monitoring commensurate with the nature of the situation.

b. Side Stream Oxygenation System - The downstream/side stream oxygenation system may only be operated during emergency conditions, during normal system maintenance and training conditions described in the facility operation and maintenance manual, or at the request of DEQ. Emergencies are defined as reduced flow releases from Gathright Dam due to extreme drought conditions or catastrophic equipment failure or spills that threaten the dissolved oxygen standard. Operation may be discontinued once the threat to the River DO standard has passed as demonstrated by monitoring commensurate with the nature of the emergency.

c. Reporting Related to the Use of Oxygenation Systems

1. River DO monitoring required by Part I.C.14.a.1 through 5 shall be submitted with the DMR for the month in which the monitoring was performed. A written summary of effluent oxygenation system use shall accompany the monitoring report.
2. Reporting of operation of side stream/downstream system for training or system maintenance shall not be required.
3. The facility shall report to DEQ within 24 hours if either system is operated for emergency reasons. River DO monitoring during emergency use shall be conducted at the Route 154 bridge (Fudges Bridge) on a frequency commensurate with the emergency. A written summary of oxygenation system use and River DO monitoring shall be submitted with the next monthly DMR.

D. WHOLE EFFLUENT TOXICITY LIMITATION AND MONITORING REQUIREMENTS

1. The Whole Effluent Toxicity (WET) limitation of **3.7 TU_c** (**NOEC = 27%**) in Part I.A.1 is a final limit becoming effective **4 years after the effective date** of the Permit (See Compliance Schedule in Part I.B.). The permittee shall perform quarterly toxicity testing on **Outfall 003** using 24-hour flow-proportioned composite samples of final effluent. The chronic test to use is: Chronic 3-Brood Static Renewal Survival and Reproduction Test with *Ceriodaphnia dubia* (EPA Test Method 1002.0). These chronic tests shall be conducted in such a manner and at sufficient dilutions (minimum of five dilutions, derived geometrically) to determine the "No Observed Effect Concentration" (NOEC) for survival and reproduction. Results which cannot be quantified (i.e., a “less than” NOEC value) are not acceptable, and a retest will have to be performed. A retest of a non-acceptable test must be performed during the same compliance period as the test it is replacing. Express the test NOEC as TU_c (Chronic Toxic Units), by dividing 100/NOEC for DMR reporting. Report the LC_{50} at 48 hours and the IC_{25} with the NOEC’s in the test reports.
2. The permit may be modified or revoked and reissued to include pollutant specific limits in lieu of a WET limit should it be demonstrated that toxicity is due to specific parameters.
3. Following the completion of the Compliance Schedule of Part I.B., quarterly test periods are defined as Jan 1 – March 31, Apr 1 – June 30, Jul 1 – Sept 30, Oct 1 – Dec 31. The complete test report shall be submitted with the DMR by the 10^{th} of the month following the end of the test quarter.

E. SAMPLING METHODOLOGY FOR BLEACH PLANT EFFLUENTS - Outfalls 301, 302 and 303

1. For TCDD, TCDF and chlorinated phenolic compounds, a composite sample shall be obtained by combining a minimum of three grab samples of bleach plant effluent representative of the discharge collected within one 24-hour operating period, resulting in one sample of bleach plant effluent for analysis. All sample collection piping, tubing and lines shall be completely flushed with the process wastewater immediately prior to collection of a sample. If the bleach plant effluent consists of more than one waste stream, the individual waste streams may be sampled separately and the samples combined to prepare a flow-proportioned composite sample for analysis or, if samples are not combined, the results shall be algebraically combined on a flow-proportional basis and reported as one result.
2. For chloroform, a minimum of three separate grab samples of bleach plant effluent representative of the discharge shall be collected within one 24-hour operating period. All sample collection piping, tubing and lines shall be completely flushed with the process wastewater immediately prior to collection of a sample. Samples shall be cooled to below 35 °C before collection in the sample container and prior to any exposure to ambient air. Samples shall be collected in such a manner that splashing and air entrainment do not occur during filling of the sample container. Sample containers must be of a type appropriate for the collection and preservation of volatile organic materials. The analytical laboratory shall composite the samples at the time of analysis by analyzing one-third of each of the three grab samples for each waste stream, or by appropriate fraction if more than three grab samples are collected, and reporting a single result. If the bleach plant effluent consists of more than one waste stream, the individual waste streams must be sampled separately and shall not be combined, and the results shall be algebraically combined on a flow-proportional basis and reported as one result.
3. “Bleach plant effluent” is defined as the total discharge of process wastewaters from all process equipment used for bleaching in each physical bleach line, beginning with the first application of bleaching agent (including chlorine dioxide or ozone), each subsequent extraction stage, and each subsequent stage where bleaching agents are applied to the pulp. Wastewater from process equipment used for delignification prior to the application of bleaching agents is not part of the bleach plant effluent.

F. BEST MANAGEMENT PRACTICES FOR SPENT PULPING LIQUOR, SOAP, AND TRUPENTINE MANAGEMENT, SPILL PREVENTION AND CONTROL

1. Specialized definitions.
   a. Action Level: A daily pollutant loading that when exceeded triggers investigative or corrective action.
   b. Equipment Items: Any process vessel, storage tank, pumping system, evaporator, heat exchanger, recovery furnace or boiler, pipeline, valve, fitting, or other device that contains, processes, transports, or comes into contact with spent pulping liquor, soap, or turpentine.
   c. Immediate Process Area: The location at the mill where pulping, screening, knotting, pulp washing, pulping liquor concentration, pulping liquor processing, and chemical recovery facilities are located, including spent pulping liquor storage and spill control tanks wherever located at the mill.
   d. Intentional Diversion: The planned removal of spent pulping liquor, soap, or turpentine from equipment items in spent pulping liquor, soap, or turpentine service by the mill for any purpose including, but not limited to, maintenance, grade changes, or process shutdowns.

F. BEST MANAGEMENT PRACTICES FOR SPENT PULPING LIQUOR, SOAP, AND TRUPENTINE MANAGEMENT, SPILL PREVENTION AND CONTROL (continued)

e. Senior Technical Manager: The person designated by the permittee to review the BMP Plan. The senior technical manager shall be the chief engineer at the mill, the manager of pulping and chemical recovery operations, or other such responsible person who has knowledge of and responsibility for pulping and chemical recovery operations.

f. Soap: The product of reaction between the alkali in kraft pulping liquor and fatty acid portions of the wood, which precipitate out when water is evaporated from the spent pulping liquor.

g. Spent Pulping Liquor: Black liquor that is used, generated, stored, or processed at any point in the pulping and chemical recovery processes.

h. Turpentine: A mixture of terpenes, principally pinene, obtained by the steam distillation of pine gum recovered from the condensation of digester relief gases from the cooking of softwoods by the kraft pulping process. Sometimes referred to as sulfate turpentine.

2. Requirement to implement Best Management Practices. The Best Management Practices (BMPs) specified in Part I.F.2.a. through j. must be developed according to best engineering practices and must be implemented in a manner that takes into account the specific circumstances at this mill. The BMPs are as follows:

a. The **permittee** must return spilled or diverted spent pulping liquors, soap, and turpentine to the process to the maximum extent practicable **as determined by the mill**, recover such materials outside the process, or **release** spilled or diverted material at a rate that does not disrupt the receiving wastewater treatment system.

b. The permittee must establish a program to identify and repair leaking equipment items. This program must include: (i) Regular visual inspections of process areas with equipment items in spent pulping liquor, soap, and turpentine service; (ii) Immediate repair of leaking equipment items. Leaking equipment items that cannot be repaired during normal operations must be identified, temporary means for mitigating the leaks provided, and the leaking equipment items repaired during the next maintenance outage; (iii) Identification of conditions under which production will be curtailed or halted to repair leaking equipment items or to prevent pulping liquor, soap, and turpentine leaks and spills; and (iv) A means for tracking repairs over time to identify those equipment items where upgrade or replacement may be warranted based on the frequency and severity of leaks, spills, or failures.

c. The permittee must operate continuous, automatic monitoring systems that are determined necessary **by the mill** to detect and control leaks, spills, and intentional diversions of spent pulping liquor, soap, and turpentine. These monitoring systems should be integrated with the mill process control system and may include high level monitors and alarms on storage tanks; process area conductivity or pH monitors and alarms; and process area sewer, process wastewater, and wastewater treatment plant conductivity or pH monitors and alarms.

d. The permittee must establish a program of initial and refresher training of operators, maintenance personnel and other technical and supervisory personnel who have responsibility for operating, maintaining, or supervising the operation and maintenance of equipment items in spent pulping liquor, soap, and turpentine service. The refresher training must be conducted at least annually. The training program must be documented.

e. The permittee must prepare a report that evaluates each spill or intentional diversion of spent pulping liquor, soap, or turpentine that is not contained at the immediate process area. The report must describe the equipment items involved, the circumstances leading to the incident, the effectiveness of the corrective actions taken to contain and recover the spill or intentional

F. BEST MANAGEMENT PRACTICES FOR SPENT PULPING LIQUOR, SOAP, AND TRUPENTINE MANAGEMENT, SPILL PREVENTION AND CONTROL (continued)

diversion, and plans to develop changes to equipment and operating and maintenance practices as necessary to prevent recurrence. Discussion of the reports must be included as part of the annual refresher training.

f. The permittee must establish a program to review any planned modifications to the pulping and chemical recovery facilities and any construction activities in the pulping and chemical recovery areas before these activities commence. The purpose of such review is to prevent leaks and spills of spent pulping liquor, soap, and turpentine during the planned modifications, and to ensure that construction and supervisory personnel are aware of possible liquor diversions and of the requirement to prevent leaks and spills of spent pulping liquors, soap, and turpentine during construction.

g. The permittee must install and maintain secondary containment (i.e., containment constructed of materials impervious to pulping liquors) for spent pulping liquor bulk storage tanks equivalent to the volume of the largest tank plus sufficient freeboard for precipitation. An annual tank integrity testing program, if coupled with other containment or diversion structures, may be substituted for secondary containment for spent pulping liquor bulk storage tanks.

h. The permittee must install and maintain secondary containment for turpentine bulk storage tanks.

i. The permittee must install and maintain curbing, diking or other means of isolating soap and turpentine processing and loading areas from the wastewater treatment facilities.

j. The permittee must conduct wastewater monitoring to detect leaks and spills, to track the effectiveness of the BMPs, and to detect trends in spent pulping liquor losses. Such monitoring must be performed in accordance with Part I.F.8.

3. Requirement to develop a BMP Plan.

a. **The permittee must prepare and implement a BMP Plan** that is based on a detailed engineering review as described in Part I.F.3.b and c, and that specifies the procedures and the practices required to meet the requirements of Part I.F.2., what construction the permittee determines is necessary to meet those requirements including a schedule for such construction, and the monitoring program (including the statistically derived action levels) that will be used to meet the requirements of Part I.F.8. The BMP Plan also must specify the period of time that the permittee determines the action levels established under Part I.F.7. may be exceeded without triggering the responses specified in Part I.F.8.

b. The permittee must conduct a detailed engineering review of the pulping and chemical recovery operation including but not limited to process equipment, storage tanks, pipelines and pumping systems, loading and unloading facilities, and other appurtenant pulping and chemical recovery equipment items in spent pulping liquor, soap, and turpentine service for the purpose of determining the magnitude and routing of potential leaks, spills, and intentional diversions of spent pulping liquors, soap, and turpentine during the following periods of operation: (i) Process start-ups and shut downs; (ii) Maintenance; (iii) Production grade changes; (iv) Storm or other weather events; (v) Power failures; and (vi) Normal operations.

c. As part of the engineering review, the permittee must determine whether existing spent pulping liquor containment facilities are of adequate capacity for collection and storage of anticipated intentional liquor diversions with sufficient contingency for collection and containment of spills. The engineering review must also consider: (i) The need for continuous, automatic monitoring systems to detect and control leaks and spills of spent pulping liquor, soap, and turpentine;

F. BEST MANAGEMENT PRACTICES FOR SPENT PULPING LIQUOR, SOAP, AND TRUPENTINE MANAGEMENT, SPILL PREVENTION AND CONTROL (continued)

(ii) The need for process wastewater diversion facilities to protect **wastewater** treatment facilities from adverse effects of spills and diversions of spent pulping liquors, soap, and turpentine; (iii) The potential for contamination of storm water from the immediate process areas; and (iv) The extent to which segregation and/or collection and treatment of contaminated storm water from the immediate process areas is appropriate.

4. Amendment of BMP Plan.
   a. The **permittee must amend the** BMP Plan whenever there is a change in mill design, construction, operation, or maintenance that materially affects the potential for leaks or spills of spent pulping liquor, turpentine, or soap from the immediate process areas.
   b. **The permittee must complete** a review and evaluation of the BMP Plan five years after the first BMP Plan is prepared and, except as provided in Part I.F.4.a, once every five years thereafter. As a result of this review and evaluation, the permittee must amend the BMP Plan within three months of the review if the permittee determines that any new or modified management practices and engineered controls are necessary to reduce significantly the likelihood of spent pulping liquor, soap, and turpentine leaks, spills, or intentional diversions from the immediate process areas, including a schedule for implementation of such practices and controls.
5. Review and certification of BMP Plan. The BMP Plan, and any amendments thereto, must be reviewed by the senior technical manager at the mill and approved and signed by the permittee in accordance with Part II.K., certifying that the plan and any amendments thereto have been prepared in accordance with this permit.
6. Record keeping requirements.
   a. A complete copy of the current BMP Plan and the records specified in Part I.F.6.b must be maintained at the mill and made available to the Department for review upon request.
   b. The permittee must maintain the following records for three years from the date they are created: (i) Records tracking the repairs performed in accordance with the repair program described in Part I.F.2.b; (ii) Records of initial and refresher training conducted in accordance with Part I.F.2.d; (iii) Reports prepared in accordance with Part I.F.2.e; and (iv) Records of monitoring required by Parts I.F.2.j and I.F.8.
7. Establishment of wastewater treatment system influent action levels.
   a. The permittee must conduct a monitoring program, described in Part I.F.7.b, for the purpose of defining wastewater treatment system action levels, described in Part I.F.7.c, that will trigger requirements to initiate investigations on BMP effectiveness and to take corrective action.
   b. The permittee must employ the following procedures in order to develop the action levels required by Part I.F.7: (i) Monitoring parameters. The permittee must collect 24-hour composite samples and analyze the samples for a measure of organic content (e.g., Chemical Oxygen Demand (COD) or Total Organic Carbon (TOC)). Alternatively, the permittee may use a measure related to spent pulping liquor losses measured continuously and averaged over 24 hours (e.g., specific conductivity or color). (ii) Monitoring locations. Monitoring must be conducted at the point influent enters the wastewater treatment system. For the purposes of this requirement, the permittee may select alternate monitoring points in order to isolate possible sources of spent pulping liquor, soap, or turpentine from other possible sources of organic wastewaters that are tributary to the wastewater treatment facilities (e.g., bleach plants, paper machines and secondary fiber operations).

F. BEST MANAGEMENT PRACTICES FOR SPENT PULPING LIQUOR, SOAP, AND TRUPENTINE MANAGEMENT, SPILL PREVENTION AND CONTROL (continued)

c. By the date prescribed in Part I.F.9.c below, the permittee must complete an initial six-month monitoring program using the procedures specified in Part I.F.7.b and must establish initial action levels based on the results of that program. The action levels must be determined by a statistical analysis of six months of daily measurements. The action levels must consist of a lower action level which if exceeded will trigger investigation requirements and an upper action level which if exceeded will trigger corrective action requirements, as described in Part I.F.8.

d. By the date prescribed in Part I.F.9.f, the permittee must complete a second six-month monitoring program using the procedures specified in Part I.F.7.b and must establish revised action levels based on the results of that program. The initial action levels shall remain in effect until replaced by revised action levels.

e. Action levels developed under this paragraph must be revised using six months of monitoring data after any change in mill design, construction, operation, or maintenance that materially affects the potential for leaks or spills of spent pulping liquor, soap, or turpentine from the immediate process areas.

8. Monitoring, corrective action, and reporting requirements.

a. The permittee must conduct daily monitoring of the influent to the wastewater treatment system in accordance with the procedures described in Part I.F.7.b for the purpose of detecting leaks and spills, tracking the effectiveness of the BMPs, and detecting trends in spent pulping liquor losses.

b. Whenever monitoring results exceed the lower action level for the period of time specified in the BMP Plan, the permittee must conduct an investigation to determine the cause of such exceedance. Whenever monitoring results exceed the upper action level for the period of time specified in the BMP Plan, the permittee must complete corrective action to bring the wastewater treatment system influent mass loading below the lower action level as soon as practicable.

c. Although exceedances of the action levels will not constitute permit violations, failure to take the actions required by Part I.F.8.b will be a permit violation.

d. The permittee must **report to the Department annually by February 10 of each year the results of the daily monitoring conducted pursuant to Part I.F.8.a**. Such reports must include a summary of the monitoring results, the number and dates of exceedances of the applicable action levels, and brief descriptions of any corrective actions taken to respond to such exceedances.

9. Compliance deadlines.

a. Prepare BMP Plans and certify that the BMP Plan has been prepared in accordance with this permit. The certification is required with the first DMR required by this permit.

G. STORM WATER MANAGEMENT CONDITIONS

1. **Storm Water Management Evaluation**

The Storm Water Pollution Prevention Plan (SWPPP), which is to be developed and maintained in accordance with subsection 3 below, shall have a goal of reducing pollutants discharged from all the regulated industrial activity storm water outfalls.

a. Pollutant Specific Screening.

One goal of the SWPPP shall place emphasis on reducing, to the maximum extent practicable, the following pollutants in the outfalls noted below.

Outfalls: 903, 004, 005, 006, 007, 008, 009, 010, 012, 013 & 015

Pollutants	Comparative Value	Pollutants	Comparative Value
BOD5	30 mg/L	Phosphorus, total	2.0 mg/L
TSS	100 mg/L	Aluminum, total	0.75 mg/L
Iron, total	1.0 mg/L	Nitrogen, total	2.2 mg/L

b. The effectiveness of the SWPPP will be evaluated via the required monitoring for all parameters listed in Part I.A.6 of this permit for the regulated storm water outfalls, including the specific pollutants noted in a. above. Monitoring results that are above the comparative value for the specific pollutants in a. above will justify the need to reexamine the SWPPP and any best management practices (BMPs) being utilized for the affected outfalls. In addition, the permittee shall amend the SWPPP whenever there is a change in the facility or its operation which materially increases the potential for activities to result in a discharge of significant amounts of pollutants.

By **February 10th of each year**, the permittee shall submit to the DEQ Regional Office an **Annual Storm Water Management Report** for the previous calendar year which includes the pollutant-specific monitoring data from the outfalls included in this condition along with a summary of any steps taken to modify either the SWPPP or any BMPs based on the monitoring data.

First Annual Storm Water Management Report is due no later than February 10, 2013.

2. **General Storm Water Special Conditions**

a. Sample Type

For all storm water monitoring required in Part I.A.6 or other applicable sections of this permit, a minimum of one grab sample shall be taken. Unless otherwise specified, all such samples shall be collected from the discharge resulting from a storm event that occurs at least 72 hours from the previously measurable storm event (a "measurable storm event" is defined as a storm event that results in an actual discharge from the site). The required 72-hour storm event interval is waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the permittee shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable. If storm water discharges associated with industrial activity commingle with process or non-process water, then where practicable permittees must attempt to sample the storm water discharge before it mixes with the non-storm water discharge.

G. STORM WATER MANAGEMENT CONDITIONS (continued)

b. Recording of Results

For each measurement or sample taken pursuant to the storm event monitoring requirements of this permit, the permittee shall record and report with the Discharge Monitoring Reports (DMRs) the following information:

(1) The date and duration (in hours) of the storm event(s) sampled;

(2) The rainfall total (in inches) of the storm event which generated the sampled discharge; and

(3) The duration between the storm event sampled and the end of the previous measurable storm event.

In addition, the permittee shall maintain a monthly log documenting the amount of rainfall received at this facility on a daily basis. A summarization of this information shall be submitted **with the Annual Storm Water Management Report** of Part I.G.1.b.

c. Sampling Waiver

When a permittee is unable to collect storm water samples required in Part I.A.6 or other applicable sections of this permit within a specified sampling period due to adverse climatic conditions, the permittee shall collect a substitute sample from a separate qualifying event in the next period and submit these data along with the data for the routine sample in that period. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

d. Representative Discharges.

When a facility has two or more outfalls that discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and storm water management practices occurring within the drainage areas of the outfalls, the permittee may test the effluent of one of such outfalls and report that the quantitative data also apply to the substantially identical outfall(s) provided that: (1) the representative outfall determination has been approved by DEQ prior to data submittal; and, (2) the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents.

e. Quarterly Visual Examination of Storm Water Quality

(1) The permittee must perform and document a quarterly visual examination of a storm water discharge associated with industrial activity from each outfall, except discharges exempted below. The examination(s) must be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December. The visual examination must be made during daylight hours (e.g., normal working hours). If no storm event resulted in runoff from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided that documentation is included with the monitoring records indicating that no runoff occurred. The documentation must be signed and certified in accordance with Part II K of this permit.

(2) Visual examinations must be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed one hour) of when the runoff or snowmelt begins discharging from the facility. The examination must document observations of color,

G. STORM WATER MANAGEMENT CONDITIONS (continued)

odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination must be conducted in a well-lit area. No analytical tests are required to be performed on the samples. All samples (except snowmelt samples) must be collected from the discharge resulting from a storm event that results in an actual discharge from the site (defined as a "measurable storm event"), and that occurs at least 72 hours from the previously measurable storm event. The 72-hour storm interval is waived if the permittee is able to document that less than a 72-hour interval is representative for local storm events during the sampling period. Where practicable, the same individual should carry out the collection and examination of discharges for the entire permit term. If no qualifying storm event resulted in runoff during daylight hours from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided that documentation is included with the monitoring records indicating that no qualifying storm event occurred during daylight hours that resulted in storm water runoff during that quarter. The documentation must be signed and certified in accordance with Part II K.

(3) The visual examination reports must be maintained on-site with the Storm Water Pollution Prevention Plan (SWPPP). The report must include the outfall location, the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.

(4) If the facility has two or more outfalls that discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and storm water management practices occurring within the drainage areas of the outfalls, the permittee may conduct visual monitoring on the effluent of just one of the outfalls and report that the observations also apply to the substantially identical outfall(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (i.e., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)) shall be provided in the plan.

(5) When the permittee is unable to conduct the visual examination due to adverse climatic conditions, the permittee must document the reason for not performing the visual examination and retain this documentation onsite with the records of the visual examinations. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

f. Allowable Non-Storm Water Discharges

(1) The following non-storm water discharges are authorized by this permit provided the non-storm water component of the discharge is in compliance with f (2) below:

(a) Discharges from fire fighting activities;

(b) Fire hydrant flushings;

G. STORM WATER MANAGEMENT CONDITIONS (continued)

(c) Potable water including water line flushings;

(d) Uncontaminated air conditioning or compressor condensate;

(e) Irrigation drainage;

(f) Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with manufacturer's instructions;

(g) Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);

(h) Routine external building wash down which does not use detergents;

(i) Uncontaminated ground water or spring water;

(j) Foundation or footing drains where flows are not contaminated with process materials; and

(k) Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

(2) Except for flows from fire fighting activities, the Storm Water Pollution Prevention Plan must include:

(a) Identification of each allowable non-storm water source;

(b) The location where the non-storm water is likely to be discharged; and

(c) Descriptions of appropriate BMPs for each source.

(3) If mist blown from cooling towers is included as one of the allowable non-storm water discharges from the facility, the permittee must specifically evaluate the discharge for the presence of chemicals used in the cooling tower. The evaluation shall be included in the SWPPP.

g. Releases of Hazardous Substances or Oil in Excess of Reportable Quantities

The discharge of hazardous substances or oil in the storm water discharge(s) from the facility shall be prevented or minimized in accordance with the storm water pollution prevention plan for the facility. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill. This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117 and 40 CFR 302 or § 62.1-44.34:19 of the Code of Virginia. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117 or 40 CFR 302 occurs during a 24-hour period:

(1) The permittee is required to notify the Department in accordance with the requirements of Part II G as soon as he or she has knowledge of the discharge;

(2) Where a release enters a municipal separate storm sewer system (MS4), the permittee shall also notify the owner or the MS4; and

(3) The storm water pollution prevention plan required by this permit must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

h. Additional Requirements for Salt Storage

Storage piles of salt or piles containing salt used for deicing or other commercial or industrial purposes shall be enclosed or covered to prevent exposure to precipitation. The permittee shall

G. STORM WATER MANAGEMENT CONDITIONS (continued)

implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. All salt storage piles shall be located on an impervious surface. All runoff from the pile, and/or runoff that comes in contact with salt, including under drain systems, shall be collected and contained within a bermed basin lined with concrete or other impermeable materials., or within an underground storage tank(s), or within an above ground storage tank(s), or disposed of through a sanitary sewer (with the permission of the treatment facility). A combination of any or all of these methods may be used. In no case shall salt contaminated storm water be allowed to discharge directly to the ground or to state waters.

3. **Storm Water Pollution Prevention Plan**

Refer to Part I.G.4 for sector-specific storm water management requirements.

A storm water pollution prevention plan (SWPPP) for the facility was required to be developed and implemented under the previous permit. The existing storm water pollution prevention plan shall be reviewed and modified, as appropriate, to conform to the requirements of this section.

Permittees shall implement the provisions of the storm water pollution prevention plan as a condition of this permit.

The storm water pollution prevention plan requirements of this permit may be fulfilled, in part, by incorporating by reference other plans or documents such as a spill prevention control and countermeasure (SPCC) plan developed for the facility under Section 311 of the Clean Water Act, or best management practices (BMP) programs otherwise required for the facility, provided that the incorporated plan meets or exceeds the plan requirements of Part I G.3.a (Contents of the Plan). All plans incorporated by reference into the storm water pollution prevention plan become enforceable under this permit. If a plan incorporated by reference does not contain all of the required elements of the SWPPP of Part I G.3.a the permittee shall develop the missing SWPPP elements and include them in the required plan.

a. Contents of the Plan

The contents of the SWPPP shall comply with the requirements listed below and those in Part I G.4. The plan shall include, at a minimum, the following items:

(1) Pollution Prevention Team. The plan shall identify the staff individuals by name or title that comprise the facility's storm water pollution prevention team. The pollution prevention team is responsible for assisting the facility or plant manager in developing, implementing, maintaining, revising, and ensuring compliance with the facility's SWPPP. Specific responsibilities of each staff individual on the team shall be identified and listed.

(2) Site Description. The plan shall include the following:

(a) Activities at the Facility. A description of the nature of the industrial activities at the facility.

(b) General Location Map. A general location map (e.g., USGS quadrangle or other map) with enough detail to identify the location of the facility and the receiving waters within one mile of the facility.

(c) Site Map. A site map identifying the following:

(i) The size of the property (in acres);

(ii) The location and extent of significant structures and impervious surfaces (roofs, paved areas and other impervious areas);

G. STORM WATER MANAGEMENT CONDITIONS (continued)

(iii) Locations of all storm water conveyances including ditches, pipes, swales, and inlets, and the directions of storm water flow (use arrows to show which ways storm water will flow);

(iv) Locations of all existing structural and source control BMPs;

(v) Locations of all surface water bodies, including wetlands;

(vi) Locations of potential pollutant sources identified under Part I G 3 a (3);

(vii) Locations where significant spills or leaks identified under Part I G 3 a (4) have occurred;

(viii) Locations of the following activities where such activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance and/or cleaning areas; loading/unloading areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks; processing and storage areas; access roads, rail cars and tracks; transfer areas for substances in bulk; and machinery;

(ix) Locations of storm water outfalls and an approximate outline of the area draining to each outfall, and location of municipal storm sewer systems, if the storm water from the facility discharges to them;

(x) Location and description of all non-storm water discharges;

(xi) Location of any storage piles containing salt used for deicing or other commercial or industrial purposes; and

(xii) Locations and sources of runon to the site from adjacent property where the runon contains significant quantities of pollutants. The permittee shall include an evaluation with the SWPPP of how the quality of the storm water running onto the facility impacts the facility's storm water discharges.

d) Receiving Waters and Wetlands. The name of all surface waters receiving discharges from the site, including intermittent streams, dry sloughs, and arroyos. Provide a description of wetland sites that may receive discharges from the facility. If the facility discharges through a municipal separate storm sewer system (MS4), identify the MS4 operator, and the receiving water to which the MS4 discharges.

(3) Summary of Potential Pollutant Sources. The plan shall identify each separate area at the facility where industrial materials or activities are exposed to storm water. Industrial materials or activities include, but are not limited to: material handling equipment or activities, industrial machinery, raw materials, industrial production and processes, intermediate products, byproducts, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each separate area identified, the description shall include:

(a) Activities in Area. A list of the activities (e.g., material storage, equipment fueling and cleaning, cutting steel beams); and

(b) Pollutants. A list of the associated pollutant(s) or pollutant constituents (e.g., crankcase oil zinc, sulfuric acid, cleaning solvents, etc.) for each activity. The pollutant list shall include all significant materials handled, treated, stored or disposed that have been exposed to storm water in the three years prior to the date this SWPPP was prepared or amended. The list shall include any hazardous substances or oil at the facility.

G. STORM WATER MANAGEMENT CONDITIONS (continued)

(4) Spills and Leaks. The SWPPP shall clearly identify areas where potential spills and leaks that can contribute pollutants to storm water discharges can occur and their corresponding outfalls. The plan shall include a list of significant spills and leaks of toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a storm water conveyance during the three-year period prior to the date this SWPPP was prepared or amended. The list shall be updated if significant spills or leaks occur in exposed areas of the facility during the term of the permit. Significant spills and leaks include releases of oil or hazardous substances in excess of reportable quantities, and may also include releases of oil or hazardous substances that are not in excess of reporting requirements.

(5) Sampling Data. The plan shall include a summary of existing storm water discharge sampling data taken at the facility. The summary shall include, at a minimum, any data collected during the previous permit term.

(6) Storm Water Controls.

(a) BMPs shall be implemented for all the areas identified in Part I G 3 a (3) (Summary of Potential Pollutant Sources) to prevent or control pollutants in storm water discharges from the facility. All reasonable steps shall be taken to control or address the quality of discharges from the site that may not originate at the facility. The SWPPP shall describe the type, location and implementation of all BMPs for each area where industrial materials or activities are exposed to storm water. Selection of BMPs shall take into consideration:

(i) That preventing storm water from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from storm water;

(ii) BMPs generally shall be used in combination with each other for most effective water quality protection;

(iii) Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures;

(iv) That minimizing impervious areas at the facility can reduce runoff and improve groundwater recharge and stream base flows in local streams (however, care must be taken to avoid ground water contamination);

(v) Flow attenuation by use of open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;

(vi) Conservation or restoration of riparian buffers will help protect streams from storm water runoff and improve water quality; and

(vii) Treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

(b) Control Measures. The permittee shall implement the following types of BMPs to prevent and control pollutants in the storm water discharges from the facility, unless it can be demonstrated and documented that such controls are not relevant to the discharges (e.g., there are no storage piles containing salt).

(i) Good Housekeeping. The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants to storm water discharges. Typical problem areas include areas around trash containers, storage areas, loading docks, and vehicle fueling

G. STORM WATER MANAGEMENT CONDITIONS (continued)

and maintenance areas. The plan shall include a schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers. The introduction of raw, final or waste materials to exposed areas of the facility shall be minimized to the maximum extent practicable. The generation of dust, along with off-site vehicle tracking of raw, final or waste materials, or sediments, shall be minimized to the maximum extent practicable.

(ii) Eliminating and Minimizing Exposure. To the extent practicable, industrial materials and activities shall be located inside, or protected by a storm-resistant covering to prevent exposure to rain, snow, snowmelt, and runoff. Note: Eliminating exposure at all industrial areas may make the facility eligible for the "Conditional Exclusion for No Exposure" provision of 9 VAC 25-31-120 E, thereby eliminating the need to have a permit.

(iii) Preventive Maintenance. The permittee shall have a preventive maintenance program that includes **regular** inspection, testing, maintenance and repairing of all industrial equipment and systems to avoid breakdowns or failures that could result in leaks, spill and other releases. This program is in addition to the specific BMP maintenance required under Part I G 3 b (Maintenance of BMPs).

(iv) Spill Prevention and Response Procedures. The plan shall describe the procedures that will be followed for preventing and responding to spills and leaks.

(A) Preventive measures include barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling.

(B) Response procedures shall include notification of appropriate facility personnel, emergency agencies, and regulatory agencies, and procedures for stopping, containing and cleaning up spills. Measures for cleaning up hazardous material spills or leaks shall be consistent with applicable RCRA regulations at 40 CFR Part 264 and 40 CFR Part 265. Employees who may cause, detect or respond to a spill or leak shall be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals shall be a member of the Pollution Prevention Team.

(C) Contact information for individuals and agencies that must be notified in the event of a spill shall be included in the SWPPP, and in other locations where it will be readily available.

(v) Routine Facility Inspections. Facility personnel who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at the facility, and who can also evaluate the effectiveness of BMPs shall regularly inspect all areas of the facility where industrial materials or activities are exposed to storm water. These inspections are in addition to, or as part of, the comprehensive site evaluation required under Part I G 3 c. At least one member of the Pollution Prevention Team shall participate in the routine facility inspections.

The inspection frequency shall be specified in the plan based upon a consideration of the level of industrial activity at the facility, but shall be a minimum of quarterly unless more frequent intervals are specified elsewhere in the permit or written approval is received from the Department for less frequent intervals. At least once each calendar year, the routine facility inspection must be conducted during a period when a storm water discharge is occurring.

G. STORM WATER MANAGEMENT CONDITIONS (continued)

Any deficiencies in the implementation of the SWPPP that are found shall be corrected as soon as practicable, but not later than within 30 days of the inspection, unless permission for a later date is granted in writing by the Director. The results of the inspections shall be documented in the SWPPP, along with the date(s) and description(s) of any corrective actions that were taken in response to any deficiencies or opportunities for improvement that were identified.

(vi) Employee Training. The permittee shall implement a storm water employee training program for the facility. The SWPPP shall include a schedule for all types of necessary training, and shall document all training sessions and the employees who received the training. Training shall be provided for all employees who work in areas where industrial materials or activities are exposed to storm water, and for employees who are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance personnel, etc.). The training shall cover the components and goals of the SWPPP, and include such topics as spill response, good housekeeping, material management practices, BMP operation and maintenance, etc. The SWPPP shall include a summary of any training performed.

(vii) Sediment and Erosion Control. The plan shall identify areas at the facility that, due to topography, land disturbance (e.g., construction, landscaping, site grading), or other factors, have a potential for soil erosion. The permittee shall identify and implement structural, vegetative, and/or stabilization BMPs to prevent or control on-site and off-site erosion and sedimentation. Flow velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel if the flows would otherwise create erosive conditions.

(viii) Management of Runoff. The plan shall describe the storm water runoff management practices (i.e., permanent structural BMPs) for the facility. These types of BMPs are typically used to divert, infiltrate, reuse, or otherwise reduce pollutants in storm water discharges from the site.

Structural BMPs may require a separate permit under §404 of the CWA and the Virginia Water Protection Permit Program Regulation (9 VAC 25-210) before installation begins.

b. Maintenance.

All BMPs identified in the SWPPP shall be maintained in effective operating condition. Storm water BMPs identified in the SWPPP shall be observed during active operation (i.e., during a storm water runoff event) to ensure that they are functioning correctly. Where discharge locations are inaccessible, nearby downstream locations shall be observed. The observations shall be documented in the SWPPP.

The SWPPP shall include a description of procedures and a regular schedule for preventive maintenance of all BMPs, and shall include a description of the back-up practices that are in place should a runoff event occur while a BMP is off-line. The effectiveness of nonstructural BMPs shall also be maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.).

If site inspections required by Part I G 3 a (6)(b)(v) (Routine Facility Inspections) or Part I G 3 c (Comprehensive Site Compliance Evaluation) identify BMPs that are not operating effectively, repairs or maintenance shall be performed before the next anticipated storm event. If maintenance prior to the next anticipated storm event is not possible, maintenance shall be

G. STORM WATER MANAGEMENT CONDITIONS (continued)

scheduled and accomplished as soon as practicable. In the interim, back-up measures shall be employed and documented in the SWPPP until repairs or maintenance is complete. Documentation shall be kept with the SWPPP of maintenance and repairs of BMPs, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair or replacement, and for repairs, date(s) that the BMP(s) returned to full function, and the justification for any extended maintenance or repair schedules.

c. Comprehensive Site Compliance Evaluation.

The permittee shall conduct comprehensive site compliance evaluations at least once a year. The evaluations shall be done by qualified personnel who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at the facility, and who can also evaluate the effectiveness of BMPs. The personnel conducting the evaluations may be either facility employees or outside constituents hired by the facility.

(1) Scope of the Compliance Evaluation. Evaluations shall include all areas where industrial materials or activities are exposed to storm water, as identified in Part I G 3 a(3). The personnel shall evaluate:

(a) Industrial materials, residue or trash that may have or could come into contact with storm water;

(b) Leaks or spills from industrial equipment, drums, barrels, tanks or other containers that have occurred within the past three years;

(c) Off-site tracking of industrial or waste materials or sediment where vehicles enter or exit the site;

(d) Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas;

(e) Evidence of, or the potential for, pollutants entering the drainage system;

(f) Evidence of pollutants discharging to surface waters at all facility outfalls, and the condition of and around the outfall, including flow dissipation measures to prevent scouring;

(g) Review of training performed, inspections completed, maintenance performed, quarterly visual examinations, and effective operation of BMPs;

(h) Results of both visual and any analytical monitoring done during the past year shall be taken into consideration during the evaluation.

(2) Based on the results of the evaluation, the SWPPP shall be modified as necessary (e.g., show additional controls on the map required by Part I G 3 a(2)(c); revise the description of controls required by Part I G 3 a(6) to include additional or modified BMPs designed to correct problems identified). Revisions to the SWPPP shall be completed within 30 days following the evaluation, unless permission for a later date is granted in writing by the Director. If existing BMPs need to be modified or if additional BMPs are necessary, implementation shall be completed before the next anticipated storm event, if practicable, but not more than 60 days after completion of the comprehensive site evaluation, unless permission for a later date is granted in writing by the Department;

(3) Compliance Evaluation Report. A report shall be written summarizing the scope of the evaluation, name(s) of personnel making the evaluation, the date of the evaluation, and all observations relating to the implementation of the SWPPP, including elements stipulated in

G. STORM WATER MANAGEMENT CONDITIONS (continued)

Part I G 3 c (1) (a) through (f) above. Observations shall include such things as: the location(s) of discharges of pollutants from the site; location(s) of previously unidentified sources of pollutants; location(s) of BMPs that need to be maintained or repaired; location(s) of failed BMPs that need replacement; and location(s) where additional BMPs are needed. The report shall identify any incidents of noncompliance that were observed. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP and this permit. The report shall be signed in accordance with Part II K and maintained with the SWPPP.

(4) Where compliance evaluation schedules overlap with routine inspections required under Part I G 3 a (6)(b)(v), the annual compliance evaluation may be used as one of the routine inspections.

d. Signature and Plan Review.

(1) Signature/Location. The SWPPP shall be signed in accordance with Part II K, dated, and retained on-site at the facility covered by this permit in accordance with Part II B 2. All other changes to the SWPPP, and other permit compliance documentation, must be signed and dated by the person preparing the change or documentation.

(2) Availability. The permittee shall make the SWPPP, annual site compliance evaluation report, and other information available to the Department upon request.

(3) Required Modifications. The Director may notify the permittee at any time that the SWPPP, BMPs, or other components of the facility's storm water program do not meet one or more of the requirements of this permit. The notification shall identify specific provisions of the permit that are not being met, and may include required modifications to the storm water program, additional monitoring requirements, and special reporting requirements. The permittee shall make any required changes to the SWPPP within 60 days of receipt of such notification, unless permission for a later date is granted in writing by the Director, and shall submit a written certification to the Director that the requested changes have been made.

e. Maintaining an Updated SWPPP.

(1) The permittee shall review and amend the SWPPP as appropriate whenever:

(a) There is construction or a change in design, operation, or maintenance at the facility that has a significant effect on the discharge, or the potential for the discharge, of pollutants from the facility;

(b) Routine inspections or compliance evaluations determine that there are deficiencies in the BMPs;

(c) Inspections by local, state, or federal officials determine that modifications to the SWPPP are necessary;

(d) There is a spill, leak or other release at the facility; or

(e) There is an unauthorized discharge from the facility.

(2) SWPPP modifications shall be made within 30 calendar days after discovery, observation or event requiring a SWPPP modification. Implementation of new or modified BMPs (distinct from regular preventive maintenance of existing BMPs described in Part I G 3 a(6)(b)(iii)) shall be initiated before the next storm event if possible, but no later than 60 days after discovery, or as otherwise provided or approved by the Director. The amount of time taken to modify a BMP or implement additional BMPs shall be documented in the SWPPP.

G. STORM WATER MANAGEMENT CONDITIONS (continued)

(3) If the SWPPP modification is based on a release or unauthorized discharge, include a description and date of the release, the circumstances leading to the release, actions taken in response to the release, and measures to prevent the recurrence of such releases. Unauthorized releases and discharges are subject to the reporting requirements of Part II G of this permit.

4. Sector-Specific Storm Water Pollution Prevention Plan Requirements

In addition to the requirements of Part I.G.3, the SWPPP shall include, at a minimum, the following items:

Sector B: Paper and Allied Products – There are no sector specific requirements.

Sector C: Chemical and allied Products

a. Site Description.

(1) Site Map. The site map shall identify where any of the following may be exposed to precipitation/surface runoff: processing and storage areas; access roads, rail cars and tracks; areas where substances are transferred in bulk; and operating machinery.

(2) Summary of Potential Pollutant Sources. A description of the following sources and activities that have potential pollutants associated with them: loading, unloading and transfer of chemicals; outdoor storage of salt, pallets, coal, drums, containers, fuels, fueling stations; vehicle and equipment maintenance/cleaning areas; areas where the treatment, storage or disposal (on-site or off-site) of waste/wastewater occur; storage tanks and other containers; processing and storage areas; access roads, rail cars and tracks; areas where the transfer of substances in bulk occurs; and areas where machinery operates.

b. Storm Water Controls

(1) Good Housekeeping. The SWPPP shall include:

(a) A schedule for regular pickup and disposal of garbage and waste materials, or a description of other appropriate measures used to reduce the potential for the discharge of storm water that has come into contact with garbage or waste materials;

(b) Routine inspections of the condition of drums, tanks and containers for potential leaks.

Sector L: Landfills, Land Application Sites and Open Dumps

a. Site Description.

(1) Site Map. The site map shall identify where any of the following may be exposed to precipitation/surface runoff: active and closed landfill cells or trenches; active and closed land application areas; locations where open dumping is occurring or has occurred; locations of any known leachate springs or other areas where uncontrolled leachate may commingle with runoff; and leachate collection and handling systems.

(2) Summary of Potential Pollutant Sources. The SWPPP shall also include a description of potential pollutant sources associated with any of the following: fertilizer, herbicide and pesticide application; earth/soil moving; waste hauling and loading/unloading; outdoor storage of significant materials including daily, interim and final cover material stockpiles as well as temporary waste storage areas; exposure of active and inactive landfill and land application areas; uncontrolled leachate flows; and failure or leaks from leachate collection and treatment systems.

G. STORM WATER MANAGEMENT CONDITIONS (continued)

b. Storm Water Controls.

(1) Preventive Maintenance Program. As part of the preventive maintenance program, the permittee shall maintain: all containers used for outdoor chemical/significant materials storage to prevent leaking; all elements of leachate collection and treatment systems to prevent commingling of leachate with storm water; and the integrity and effectiveness of any intermediate or final cover (including making repairs to the cover as necessary to minimize the effects of settlement, sinking, and erosion).

(2) Good Housekeeping Measures. As part of the good housekeeping program, the permittee shall consider providing protected storage areas for pesticides, herbicides, fertilizer and other significant materials.

(3) Routine Facility Inspections.

(a) Inspections of Active Sites. Operating landfills, open dumps, and land application sites shall be inspected at least once every seven days. Qualified personnel shall inspect areas of landfills that have not yet been finally stabilized, active land application areas, areas used for storage of materials/wastes that are exposed to precipitation, stabilization and structural control measures, leachate collection and treatment systems, and locations where equipment and waste trucks enter and exit the site. Erosion and sediment control measures shall be observed to ensure they are operating correctly. For stabilized sites and areas where land application has been completed, or where the climate is seasonally arid (annual rainfall averages from 0 to 10 inches) or semi-arid (annual rainfall averages from 10 to 20 inches), inspections shall be conducted at least once every month.

(b) Inspections of Inactive Sites. Inactive landfills, open dumps, and land application sites shall be inspected at least quarterly. Qualified personnel shall inspect landfill (or open dump) stabilization and structural erosion control measures and leachate collection and treatment systems, and all closed land application areas.

(4) Recordkeeping and Internal Reporting Procedures. Landfill and open dump owners shall provide for a tracking system for the types of wastes disposed of in each cell or trench of a landfill or open dump. Land application site owners shall track the types and quantities of wastes applied in specific areas.

(5) Sediment and Erosion Control Plan. Landfill and open dump owners shall provide for temporary stabilization of materials stockpiled for daily, intermediate, and final cover. Stabilization practices to consider include, but are not limited to, temporary seeding, mulching, and placing geotextiles on the inactive portions of the stockpiles. Landfill and open dump owners shall provide for temporary stabilization of inactive areas of the landfill or open dump which have an intermediate cover but no final cover. Landfill and open dump owners shall provide for temporary stabilization of any landfill or open dumping areas which have received a final cover until vegetation has established itself. Land application site owners shall also stabilize areas where waste application has been completed until vegetation has been established.

(6) Comprehensive Site Compliance Evaluation. Areas contributing to a storm water discharge associated with industrial activities at landfills, open dumps and land application sites shall be evaluated for evidence of, or the potential for, pollutants entering the drainage system.

G. STORM WATER MANAGEMENT CONDITIONS (continued)

Sector O: Steam Electric Generating Facilities

a. Site Description.

Site Map. The site map shall identify the locations of any of the following activities or sources that may be exposed to precipitation/surface runoff: storage tanks, scrap yards, general refuse areas; short and long term storage of general materials (including, but not limited to: supplies, construction materials, plant equipment, oils, fuels, used and unused solvents, cleaning materials, paint, water treatment chemicals, fertilizer, and pesticides); landfills; construction sites; and stock pile areas (such as coal or limestone piles).

b. Storm Water Controls.

(1) Good Housekeeping Measures.

(a) Fugitive Dust Emissions. The permittee shall describe and implement measures that prevent or minimize fugitive dust emissions from coal handling areas. The permittee shall consider establishing procedures to minimize off-site tracking of coal dust such as installing specially designed tires, or washing vehicles in a designated area before they leave the site, and controlling the wash water.

(b) Delivery Vehicles. The plan shall describe measures that prevent or minimize contamination of storm water runoff from delivery vehicles arriving on the plant site. At a minimum the permittee shall consider the following:

(i) Develop procedures for the inspection of delivery vehicles arriving on the plant site, and ensure overall integrity of the body or container; and

(ii) Develop procedures to deal with leakage/spillage from vehicles or containers.

(c) Fuel Oil Unloading Areas. The plan shall describe measures that prevent or minimize contamination of precipitation/surface runoff from fuel oil unloading areas. At a minimum the permittee shall consider using the following measures, or an equivalent:

(i) Use of containment curbs in unloading areas;

(ii) During deliveries, having station personnel familiar with spill prevention and response procedures present to ensure that any leaks/spills are immediately contained and cleaned up; and

(iii) Use of spill and overflow protection (e.g., drip pans, drip diapers, and/or other containment devices placed beneath fuel oil connectors to contain potential spillage during deliveries or from leaks at the connectors).

(d) Chemical Loading/Unloading Areas. The permittee shall describe and implement measures that prevent or minimize the contamination of precipitation/surface runoff from chemical loading/unloading areas. At a minimum the permittee shall consider using the following measures (or their equivalents):

(i) Use of containment curbs at chemical loading/unloading areas to contain spills;

(ii) During deliveries, having station personnel familiar with spill prevention and response procedures present to ensure that any leaks/spills are immediately contained and cleaned up; and

(iii) Covering chemical loading/unloading areas, and storing chemicals indoors.

(e) Miscellaneous Loading/Unloading Areas. The permittee shall describe and implement measures that prevent or minimize the contamination of storm water runoff from loading and unloading areas. The permittee shall consider the following, at a minimum (or their

G. STORM WATER MANAGEMENT CONDITIONS (continued)

equivalents):

(i) covering the loading area;

(ii) grading, berming, or curbing around the loading area to divert run-on; or

(iii) locating the loading/unloading equipment and vehicles so that leaks are contained in existing containment and flow diversion systems.

(f) Liquid Storage Tanks. The permittee shall describe and implement measures that prevent or minimize contamination of storm water runoff from aboveground liquid storage tanks. At a minimum the permittee shall consider employing the following measures (or their equivalents):

(i) Use of protective guards around tanks;

(ii) Use of containment curbs;

(iii) Use of spill and overflow protection; and

(iv) Use of dry cleanup methods.

(g) Large Bulk Fuel Storage Tanks. The permittee shall describe and implement measures that prevent or minimize contamination of storm water runoff from large bulk fuel storage tanks. At a minimum the permittee shall consider employing containment berms (or its equivalent). The permittee shall also comply with applicable state and federal laws, including Spill Prevention Control and Countermeasures (SPCC).

(h) Spill Reduction Measures. The permittee shall describe and implement measures to reduce the potential for an oil/chemical spill, or reference the appropriate section of their SPCC plan. At a minimum the structural integrity of all aboveground tanks, pipelines, pumps and other related equipment shall be visually inspected on a weekly basis. All repairs deemed necessary based on the findings of the inspections shall be completed immediately to reduce the incidence of spills and leaks occurring from such faulty equipment.

(i) Oil bearing Equipment in Switchyards. The permittee shall describe and implement measures to prevent or minimize contamination of surface runoff from oil bearing equipment in switchyard areas. The permittee shall consider the use of level grades and gravel surfaces to retard flows and limit the spread of spills, and the collection of storm water runoff in perimeter ditches.

(j) Residue Hauling Vehicles. All residue hauling vehicles shall be inspected for proper covering over the load, adequate gate sealing and overall integrity of the container body. Vehicles without load coverings or adequate gate sealing, or with leaking containers or beds shall be repaired as soon as practicable.

(k) Ash Loading Areas. The permittee shall describe and implement procedures to reduce or control the tracking of ash/residue from ash loading areas where practicable, clear the ash building floor and immediately adjacent roadways of spillage, debris and excess water before departure of each loaded vehicle.

(l) Areas Adjacent to Disposal Ponds or Landfills. The permittee shall describe and implement measures that prevent or minimize contamination of storm water runoff from areas adjacent to disposal ponds or landfills. The permittee shall develop procedures to:

(i) Reduce ash residue which may be tracked on to access roads traveled by residue trucks or residue handling vehicles; and

G. STORM WATER MANAGEMENT CONDITIONS (continued)

(ii) Reduce ash residue on exit roads leading into and out of residue handling areas.

(m) Landfills, Scrapyards, Surface Impoundments, Open Dumps, General Refuse Sites. The plan shall address and include appropriate BMPs for landfills, scrapyards, surface impoundments, open dumps and general refuse sites.

(n) Vehicle Maintenance Activities. For vehicle maintenance activities performed on the plant site, the permittee shall use the applicable BMPs outlined in Sector P (Land Transportation and Warehousing).

(o) Material Storage Areas. The permittee shall describe and implement measures that prevent or minimize contamination of storm water runoff from material storage areas (including areas used for temporary storage of miscellaneous products, and construction materials stored in lay-down areas). The permittee shall consider the use of the following measures (or their equivalents): flat yard grades; runoff collection in graded swales or ditches; erosion protection measures at steep outfall sites (e.g., concrete chutes, riprap, stilling basins); covering lay-down areas; storing materials indoors; and covering materials temporarily with polyethylene, polyurethane, polypropylene, or hypalon. Storm water run-on may be minimized by constructing an enclosure or building a berm around the area.

(2) Comprehensive Site Compliance Evaluation. As part of the evaluation, qualified facility personnel shall inspect the following areas on a monthly basis: coal handling areas, loading/unloading areas, switchyards, fueling areas, bulk storage areas, ash handling areas, areas adjacent to disposal ponds and landfills, maintenance areas, liquid storage tanks, and long term and short term material storage areas.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. MONITORING

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.
4. Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories.

B. RECORDS

1. Records of monitoring information shall include:
   a. The date, exact place, and time of sampling or measurements;
   b. The individual(s) who performed the sampling or measurements;
   c. The date(s) and time(s) analyses were performed;
   d. The individual(s) who performed the analyses;
   e. The analytical techniques or methods used; and
   f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. REPORTING MONITORING RESULTS

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to: Virginia Department of Environmental Quality, Blue Ridge Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019-2738.
2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.
4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. COMPLIANCE SCHEDULE REPORTS

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. UNAUTHORIZED DISCHARGES

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. REPORTS OF UNAUTHORIZED DISCHARGES

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. REPORTS OF UNUSUAL OR EXTRAORDINARY DISCHARGES

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. REPORTS OF NONCOMPLIANCE

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
   a. Any unanticipated bypass; and
   b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
   a. A description of the noncompliance and its cause;
   b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
   c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

   The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.
3. The permittee shall report all instances of noncompliance not reported under Part II I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

NOTE: The immediate (within 24 hours) reports required in Part II G, H and I may be made to the Department's Regional Office at (540) 562-6700 (voice) or (540) 562-6725 (fax). For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. NOTICE OF PLANNED CHANGES

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
   a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or

(2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. SIGNATORY REQUIREMENTS

1. Applications. All permit applications shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part II K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

c. The written authorization is submitted to the Department.

3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts II K 1 or 2 shall make the following certification:

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. DUTY TO COMPLY

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. DUTY TO REAPPLY

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. EFFECT OF A PERMIT

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. STATE LAW

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. PROPER OPERATION AND MAINTENANCE

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. DISPOSAL OF SOLIDS OR SLUDGES

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. BYPASS

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part II U 2 and U 3.
2. Notice
   a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.
   b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II I.
3. Prohibition of bypass
   a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:
      (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
      (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
      (3) The permittee submitted notices as required under Part II U 2.
   b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II U 3 a.

V. UPSET

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.
2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
   a. An upset occurred and that the permittee can identify the cause(s) of the upset;
   b. The permitted facility was at the time being properly operated;
   c. The permittee submitted notice of the upset as required in Part II I.; and
   d. The permittee complied with any remedial measures required under Part II S.
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. INSPECTION AND ENTRY

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. PERMIT ACTIONS

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. TRANSFER OF PERMITS

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II, Section Y.2., a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.
2. As an alternative to transfers under Part II Y 1, this permit may be automatically transferred to a new permittee if:
   a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
   b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

Z. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.